



Federal Communications Commission
Washington, D.C. 20554

April 4, 2007

DA 07-1597

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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

WKEF Licensee L.P.
WKEF(TV)
c/o Pillsbury Winthrop Shaw Pittman LLP
ATTN: Kathryn Schmeltzer, Esq.
2300 N Street, N.W.
Washington, D.C. 20037-1128

Re: WKEF Licensee L.P.
WKEF(TV), Dayton, OH
Facility ID No. 73155
File No. BRCT-20050601ALR

Dear Licensee:

This refers to your license renewal application for station WKEF(TV), Dayton, OH.

Section 73.3526 of the Commission's Rules (Rules), 47 C.F.R. § 73.3526, requires a commercial broadcast licensee to maintain a public inspection file containing specific types of information related to station operations.¹ Pursuant to subsection 73.3526(e)(11)(ii), each commercial television broadcast station is required to place in its public inspection file, on a quarterly basis, records sufficient to allow substantiation of the licensee's certification, in its renewal application, of its compliance with the children's television commercial limits imposed by Section 73.670 of the Rules. Additionally, as set forth in subsection 73.3526(e)(11)(iii), each commercial television licensee is required to prepare and place in its public inspection file a Children's Television Programming Report (FCC Form 398) for each calendar quarter reflecting, *inter alia*, the efforts that it has made during the quarter to serve the educational and informational needs of children. As set forth in subsection 73.3526(e)(11)(iii), licensees are also required to file the reports with the Commission and to publicize the existence and location of the reports. Further, subsection 73.3526(e)(11)(i) provides that a TV issues/programs list is to be placed in a commercial TV broadcast station's public inspection file each calendar quarter. These subsections of Section 73.3526 require licensees to place such records concerning commercial limits, Children's Television Programming Reports, and TV issues/programs lists for each quarter in the station's public inspection file by the tenth day of the succeeding calendar quarter. Where lapses occur in maintaining the public file, neither the negligent acts nor omissions of

¹ See 47 C.F.R. § 73.3526.

station employees or agents, nor the subsequent remedial actions undertaken by the licensee, excuse or nullify the licensee's rule violation.²

On June 1, 2005, you filed a license renewal application (FCC Form 303-S) for station WKEF(TV), Dayton, Ohio (File No. BRCT-20050601ALR). In Exhibit 24 of that application, you reported that for a period of approximately one year and four months during the license term, the licensee did not publicize the existence and location of the Children's Television Programming Reports due to an employee departure at the end of 2003 and changes in personnel. You claimed that this oversight has been corrected and that the station is currently publicizing the existence and location of the Children's Television Programming Reports and has done so for the majority of the license term.

Further, in response to Section IV, Question 3 of the renewal application, you certified that, during the previous license term, station WKEF(TV) failed to place in its public inspection file at the appropriate times, all of the documentation required by Section 73.3526 of the Commission's Rules. In Exhibit 17, you indicated that during a routine review of the public file, the station discovered that its certification of compliance with the commercial limits, TV issues/programs list, and Children's Television Programming Report for the fourth quarter of 1999 were missing. You asserted that these documents are from the quarter immediately after the current licensee's acquisition of the station on October 1, 1999. You maintained that the TV issues/programs list and the Children's Television Programming Report were subsequently placed in the public file and that station employees have reviewed the Commission's public inspection file rules and have implemented policies to ensure the timely placement of all documents into the public file.

Although we do not rule out more severe sanctions for violations of this nature in the future, we have determined that an admonition is appropriate at this time. Therefore, based upon the facts and circumstances before us, we ADMONISH you for the admitted violations of Section 73.3526(e)(11)(i)-(iii) of the Rules described in station WKEF(TV)'s renewal application.

² See *Padre Serra Communications, Inc.*, 14 FCC Rcd 9709 (1999) (citing *Gaffney Broadcasting, Inc.*, 23 FCC 2d 912, 913 (1970) and *Eleven Ten Broadcasting Corp.*, 33 FCC 706 (1962)); *Surrey Range Limited Partnership*, 71 RR 2d 882 (FOB 1992).

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to WKEF Licensee L.P. at the address listed above, and to Kathryn R. Schmeltzer, Esquire, Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street, N.W., Washington, D.C. 20037-1128.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau